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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,939	01/23/2004	Philip Ted Kortum	1033-T00525	5072
60533 7590 03/30/2009 TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759				
EXAMINER HOMAYOUNMEHR, FARID				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/763,939

**Applicant(s)**

KORTUM ET AL.

**Examiner**

Farid Homayounmehr

**Art Unit**

2439

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/23/09.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13-16, 18, 22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16, 18, 22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/2009 has been entered.
2. This action is responsive to communications: application, filed 1/23/2004; amendment filed 1/23/2009.
3. Claims 1-11, 13-16, 18-22, 24-26 are pending in the case.

### ***Response to Arguments***

4. Applicant's argument relative to the objection to Specification in view of the amendments is found persuasive. The Objection is hereby withdrawn.

5. Applicant's argument relative to rejections under section 103 is moot in view of the new grounds of rejection outlined in the next section.

With regards to claim 4, applicant argues that simple substitution of a cable system with a telephone would not work. However, as indicated in Fig. 1 and associated text, particularly, Ueshima col. 9, lines 5-21, a computer system connected via a modem is capable of making the call, and/or participate in authentication system of Ueshima. Accordingly, applicant's argument is non-persuasive.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueshima (US Patent No. 6,731,731, filed March 29, 2001) and further in view of Schneider (U.S. Patent No. 7,050,423, filed November 27, 2001).

7.1. As per claim 1, Ueshima is directed to a method of network authentication comprising (Ueshima teaches an authentication system, wherein a password is generated based on the telephone number of the device used by user, and user

personal information. This generated password is sent to the user to be used for authentication); receiving a first credential from a user seeking access to an information network (Col. 10 lines 7-30 shows that personal information of each proper user is registered in a table of the authentication system. Col. 12 line 49 to col. 13 line 10 provides examples of user information); generating a first network generated credential comprising network specific information associated with a connection of the user (Ueshima col. 3 lines 25-58 shows that a password is generated based on user telephone number that is used by the user to connect to the authentication system (item (4))). Note that as shown in col. 10 lines 27-30, the password is generated after the credential is received). Also see col 5 lines 1-35, or col. 8 lines 14-27. Ueshima teaches generation of a password (network generated credential), but does not explicitly teach the credential comprising information related to user connection. This feature is shown by Schneider. See below for details of how combination of Ueshima and Schneider teach a credential comprising information associated with user's connection); Replacing the first credential received from the user with the first network generated credential (Ueshima col. 3 lines 42-46, or col. 9 lines 32-35 show that the password (network generated credential) is used for authentication, and therefore the password replaces the original credential for final authentication); and considering the first network generated credential in connection with making an authentication decision for the user (the generated password is supplied to the user. The user supplies the password when calling from the same phone number, and will be

authenticated based on the password and the phone number, as shown in col. 3 lines 25-58, item (6). Also see Example 3 for an operation procedure.

Ueshima teaches generating a password, supplying the password to a user, receiving the password from the user when the user wants to authenticate for a service access, and authenticating the user by verifying the submitted password. The password is generated in association with the user phone number (connection), however, Ueshima does not explicitly teach including the phone number as part of a credential.

Schneider teaches a system for supporting multiple network services, wherein requests for services are associated with the issuance of a certificate (credential) for the requesting user (see Abstract). The certificate comprises information relating to the permitted setup, and service policy or logic representing service capabilities or service permissions, associated with the network service, and a unique setup identifier (see, for example, claim 1).

Ueshima and Schneider are analogous art as they are both directed to user authentication procedures as part of a network service system. At the time of invention, it would have been obvious to the one skilled in art to enhance Ueshima's system to use a certificate (credential), including a password, and additional fields of information, as taught by Schneider's certificate. As Ueshima bases the generation of the password on verifying the phone number used by the user, it would have been obvious to include the

phone number as part of the certificate. The motivation to do so would have been to provide a more comprehensive set of authentication parameters and information relating to the permitted connection setup, by using a certificate including all said information, rather than a password alone. Note also that Ueshima's system performs authentication in two steps (see col. 9 lines 35-50), where both the phone number and the generated password are used for authentication. Therefore, an improvement to include several pieces of information in one credential containing several fields, as one suggested by Schneider, is well placed.

7.2. As per claim 2, Ueshima in view of Schneider is directed to the method of claim 1, further comprising: receiving a second credential from a different user seeking access to the information network, wherein the second credential matches the first credential; generating a second network generated credential comprising network specific information associated with the connection of the different user; replacing the second credential received from the different user with the second network generated credential, wherein the second network generated credential is different from the first network generated credential, and considering the second network generated credential in connection with making an authentication decision for the different user (As shown in Ueshima col. 10 lines 6-15, the database stores personal information for each proper user. Therefore, the different user will have a different user name in the registration database. Also, as shown in col. 3 lines 20-23, individual users are authenticated separately. Furthermore, Ueshima col. 13, lines 50-60 or col. 15, lines 45-50 shows that

Ueshima recognizes user name in addition to the phone number (first credential) in generating the password. Therefore, Ueshima recognizes a different user (user name) using the same credential (phone number). Also see col. 3 lines 21-23. In addition, Schneider teaches that the network generated credential includes user connection information. Therefore, when two different users have different connections, the network generated credential created by Schneider will be different for each user, as the network connection information (which is part of the credential) will be different).

8. Claims 11, 13-16, 18-22, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueshima (US Patent No. 6,731,731, filed March 29, 2001) and further in view of Schneider (U.S. Patent No. 7,050,423, filed November 27, 2001), and further in view of Examiner Official Notice.

8.1. As per claim 3, Ueshima in view of Schneider is directed to the method of claim 1. Examiner take the Official Notice that xDSL was known as a transmission technique using telephone lines. Therefore, it would have been obvious to replace the specifics of a conventional phone line (phone number), with the specifics of xDSL links. The motivation to do so would be to expand the range of service availability, and authentication as taught by the combination of Ueshima and Schneider, and allow user access to the same services if the user uses xDSL connection instead of a conventional phone line. Therefore, Ueshima in view of Schneider and further in view of the Official



Notice is directed to claim 1, wherein the connection of the user comprises an xDSL link.

8.2. As per claim 4, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, wherein the connection of the user comprises a link at least partially supported by a cable modem (See rejection of claim 3, and note that cable transmission systems were also known in the art at the time of invention. Also see Ueshima col. 9 lines 5-21 for teaching of a a computer connected via a modem can function as the password requesting terminal).

8.3. As per claim 5, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, further comprising utilizing a network node to generate the unique credential (Ueshima col. 3 lines 38-41, indicating that the CTI server or another device generates the password).

8.4. As per claim 6, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, wherein the network specific information comprises a unique circuit identification number associated with an ADSL connection (see rejection of claim 3, and note that ADSL was known at the time of invention, and is a type of xDSL).

8.5. As per claim 7, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, wherein the network specific information comprises a virtual circuit identification associated with ADSL routing (see response to claims 3 and 6. Note that the virtual circuit identification is equivalent to a phone number).

8.6. As per claim 8, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, further comprising tracking a metric associated with the user (As shown in Schneider claim 1, information relating to the permitted setup, and service policy or logic representing service capabilities or service permissions are part of the certificate. Therefore Schneider keeps track of that information, which relates to user access control).

8.7. As per claim 9, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 8, wherein the metric is selected from the group consisting of an access control metric, a payment metric, and a security metric (see rejection of claim 8, where it is shown that an access control metric is tracked).

8.8. As per claim 10, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, further comprising utilizing a network node to generate the unique credential, wherein the network node comprises an

authentication server and an interface operable to receive the common user credential (Ueshima col. 3 lines 38-41, indicating that the CTI server or another device generates the password. The CTI server authenticates the user, and therefore, it is an authentication server. Also, the authentication server receives user credentials for purpose of authentication, therefore, it must have an interface to receive the information).

8.9. As per claim 11, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, further comprising: determining that the user does not have access rights to the information network; and initiating communication of a deny response (Ueshima col. 13 lines 40 to 45).

8.10. Claim 12 is cancelled.

8.11. As per claim 13, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the method of claim 1, wherein the network specific information comprises information that is unique to a physical location of the user (Ueshima teaches registering the address of the user (col. 13 line 9-11). Therefore it would have been obvious to include user address in the certificate. The motivation would be to improve the security by using additional verification parameters).

8.12. As per claim 14, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to an authentication system, comprising: an interface operable to receive an authentication request (Fig. 1 and associated text, as it is the platform for performing operations described in rejection of claims 1-13), item 30 has several interfaces to receive an authentication request) from a PPPoE client of a given user (as discussed in rejection of claims 3, 4, and 7, it would have been obvious to the one skilled in art to replace networks specifics of a conventional phone system, with specifics of other types of networks, such as cable, Internet, Ethernet or Point to Point Protocol over Ethernet (PPPoE)); a customizing engine communicatively coupled to the interface and operable to add a unique identifier for the given user to the authentication request (Fig. 1 item 30. Note that it adds the password received from Password Generation unit 41, as described by combination of Ueshima in view of Schneider, and further in view of Examiner Official Notice outlined in claims 1-13); and an output device communicatively coupled to the customizing engine and operable to output the unique identifier to an access engine for authentication of the given user (item 30 has output devices for outputting the password to the Authentication System Unit).

8.13. As per claim 15, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 14, further comprising a network node that comprises the interface, the customizing engine, and the output device (item 30 is a network node, as it is connected to Network 150).

8.14. As per claim 16, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 14, further comprising the access engine, wherein the access engine is communicatively coupled to a repository comprising acceptable credentials, further wherein the access engine is operable to compare the unique identifier against the acceptable credentials as a part of granting access rights to the given user (Ueshima Fig. 1 item 60 and associated text, where it receives the data from a database).

8.15. Claim 17 is cancelled.

8.16. As per claim 18, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 14, wherein the authentication request from the PPPoE client comprises an included identifier that does not uniquely identify the given user (see response to claim 17, and note that, for example, the address does not identify the user uniquely).

8.17. As per claim 19, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 14, further comprising a piece of customer premises equipment comprising a broadband modem, the broadband modem operable to output the authentication request to the interface (as mentioned above, use of different types of network systems, which were well-known and broadly used at the time of invention, in combination of other networks would have been obvious to the one

skilled in art. Examiner takes the Official Notice that broadband modems were well-known and widely used at the time of invention).

8.18. As per claim 20, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 19, further comprising a service provider network node that comprises the interface, the customizing engine, and the output device (item 30 of Fig. 1 of Ueshima includes all the required items, as discussed in claim 14).

8.19. As per claim 21, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 20, further comprising: a communication path operable to form at least a part of an interconnection between the broadband modem and the Public Internet (connection of a broadband modem to internet was well-known in the art, and therefore it would have been obvious to use the combination of Ueshima in view of Schneider, and further in view of Examiner Official Notice in conjunction with a network consisting a broadband modem connected to internet. Note that said connection makes a communication path); and the access engine, wherein the access engine is communicatively coupled to a repository comprising acceptable credentials, further wherein the access engine is operable to compare the unique identifier against the acceptable credentials as a part of granting the given user an access right to the communication path (These requirements were discussed in rejection of claims 1-20 above).

8.20. As per claim 22, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 21, wherein the unique identifier comprises a unique circuit identification number associated with an ADSL connection (see rejection of claim 6).

8.21. Claim 23 is cancelled.

8.22. As per claim 24, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the system of claim 23, wherein the unique identifier does not uniquely identify the piece of customer premises equipment or the broadband modem (the password is generated based on the phone number of the circuit id, and does not uniquely identify the piece of customer premises equipment).

8.23. The requirements of claim 25 are substantially the same as claims 1-14 as discussed in the Office Action dated 4/29/2008 and above. Note that sending a response to the user to notify them that the authentication had been successful, and the user is permitted to use the services was well-known and widely practiced at the time of invention. Therefore, sending the permit response upon acceptance of credentials would have been obvious to the one skilled in the art.

8.24. As per claim 26, Ueshima in view of Schneider, and further in view of Examiner Official Notice is directed to the computer-readable medium of claim 25, wherein the credential comprises a commonly assigned credential that does not uniquely identify a requestor (the password is generated based on the phone number of the circuit id, and does not uniquely identify the requestor).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you



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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Farid Homayounmehr/

Examiner

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